In the High Court of Judicature at Madras

Dated: 17.11.2006

Coram:

The Hon'ble Mr.Justice K.CHANDRU.

C.R.P.(PD) No.1112 of 2006
and
C.M.P.No.2 of 2006

K.Ellappan S/o Sakthi Ekambaram ... Petitioner/Petitioner

Vs.

A.Loganathan S/o Ekambaram ... Respondent/Plaintiff

Civil Revision Petition filed under Article 227 of the Constitution of India against the order and decretal order dated 11.4.2005 passed in I.A.No.536 of 2004 in O.S.No.66 of 1998 on the file of the Subordinate Judge at Kanchipuram.

For Petitioners.. Mr.G.K.Sekar

For Respondent .. A.S.Thambusamy

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O R D E R

This Civil Revision Petition is filed against the order of the Sub-Court, Kancheepuram, made in I.A.No.536 of 2004 in O.S.No.66 of 1998, dated 11.4.2005, dismissing the application filed by the Revision Petitioner.

2. In the impugned order, the trial Court has rejected the application of the Revision Petitioner, wherein the Revision Petitioner sought to file an application to permit the Power of Attorney holder to appear on behalf of the defendants 10 and 11 in the suit. The trial Court found that the power was not properly prepared and there was not even a witness's signature found in the power. It was only attested by a Notary Public by name K.Ramesh on 3.2.2004 and that it was also not registered. The prayer of the revision petitioner cannot be granted for the simple reason he not only wants the power holder to represent the defendants 10 and 11 to pursue the case, but also to give evidence on behalf of the said defendants. Such a prayer cannot be countenanced by this Court.

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3. The learned trial Judge has rightly dismissed the said application. I do not see anything wrong in the order passed by the learned trial Judge. The order does not require any revision by this Court.

4. This Civil Revision Petition is dismissed. No costs. Consequently, C.M.P.No.2 of 2006 is closed. In consideration of the fact that the suit is of the year 1998, the trial Court is directed to dispose of the same in accordance with law, within a period of three months from the date of receipt of copy of this order and send a compliance report to this Court. Both the parties are directed to cooperate to complete the trial by the trial Court.

gr.

Sd/
Asst.Registrar

/true copy/

Sub Asst.Registrar

To

1. The Subordinate Judge, Kancheepuram.
(with a direction to send a compliance Report to this Court)

2. The Section Officer, Judicial Dept.,
High Court, Madras.
(for watching the compliance Report)

+ 1 cc to Mr. A. S. Thambuswamy, Advocate SR No. 55967

+ 1 cc to Mr. G. K. Sekar, Advocate SR No. 55992

BV(CO)
SR/5.12.2006

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